

DETERMINATIONS OF THE SECRETARY OF STATE UNDER THE POLICE REGULATIONS 2003

The Secretary of State, in exercise of the powers conferred by regulations 24 and 26 of the Police Regulations 2003 (SI 2003/527), as amended, makes the following determination.

In accordance with the requirements of regulation 46 (1A), (1AA) and (1B), the Secretary of State has not considered advice from the Senior Salaries Review Body, or referred the matter to the Police Remuneration Review Body because he considers it unnecessary to do so by reason of the nature of this determination.

In accordance with the requirements of regulation 46 (1C) of the Police Regulations 2003, the Secretary of State has supplied a draft of this determination to those persons whom the Secretary of State considers represent the interests of the persons listed in regulation 46(1C)(a) to (d) and has taken into account any representations made by them.

The Secretary of State has determined that for Annex H of the Determinations under the Police Regulations 2003 (Public Holidays and Rest Days) there shall be substituted the following Annex H. This substitution shall have effect from 1 January 2019.

ANNEX H

DETERMINATION FOR REGULATION 24 FOR REGULATION 26

PUBLIC HOLIDAYS AND REST DAYS

1) ROSTERED REST DAYS and PUBLIC HOLIDAYS

a) A member of a police force of the rank of constable or sergeant shall, if required to do duty on a day which is a rostered rest day, be granted:

i) where he receives less than 15 days' notice of the requirement, an allowance at the appropriate rest-day rate; or

ii) in any other case, another rest day, which shall be notified to him within 4 days of notification of the requirement.

b) Subject to paragraph (2)(a), the appropriate rest-day rate is, for each completed 15 minutes of duty on a rostered rest day, the fraction of a day's pay specified in subparagraph (c).

c) The fraction is three sixty-fourths.

d) A member of a police force of the rank of constable or sergeant shall, if required to do duty on a day which is a public holiday, be granted:

i) where he receives less than 8 days' notice of the requirement:

- 1) an allowance at the appropriate rate and, in addition,
- 2) another day off in lieu thereof, which shall be notified to him within 4 days of the notification of the requirement, and which shall be treated for the purposes of this determination as a public holiday;

ii) in any other case, an allowance at the appropriate rate.

e) A member of a police force of the rank of constable or sergeant who is required to do duty on a day which is a public holiday or a rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in sub-paragraph (a)(i) or (d), time off equal:

i) in the case of a day which is a public holiday, to double, and

ii) in the case of a rostered rest day, to one and a half times, the period of completed quarters of an hour of duty on the day in question.

f) Where such a member of a police force who is required to do duty on a day which is a public holiday or a rostered rest day, or for a part-time member, a free day has elected to receive time off as mentioned in sub-paragraph (e) or paragraph 2(h), the chief officer shall, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as he may fix, and subject to such time off being taken, no allowance in respect of the day in question shall be payable under sub-paragraph (a)(i) or, as the case may be, subparagraph (d)(i) or (ii)' or, for a part-time member paragraph 2(e) or (f).

g) Where the exigencies of duty have precluded:

- (1) the allowance of a day's leave on a public holiday, or
- (2) the grant in any week of two rest days,

to a member of a police force of the rank of inspector or chief inspector, he shall, during the next following twelve months and so far as the exigencies of duty permit, be allowed or (as the case may be) granted a day's leave in lieu of any such day not allowed or granted.

h) Where the exigencies of duty have precluded:

- (1) the allowance of a day's leave on a public holiday, or
- (2) the grant in any month of eight monthly leave days,

to a member of a police force of the rank of superintendent or above he shall, during the next twelve months and so far as the exigencies of duty permit, be allowed or (as the case may be) granted a day's leave in lieu of any such day not allowed or granted.

i) REMOVED WITH EFFECT FROM 1 JANUARY 2019

j) For the purpose of this paragraph "month" means that period of 28 days beginning with such day as is fixed by the chief officer of police.

k) A member of a police force shall not be given less than 15 days' notice of a requirement to do duty on a day which is a public holiday without the authorisation of a member of a police force of a rank above that of chief superintendent.

2) PART-TIME CONSTABLES AND SERGEANTS

a) The appropriate rest-day rate for a part-time member of a police force of the rank of constable or sergeant is, for each completed 15 minutes of duty on a rostered rest day, the fraction of the member's hourly rate of pay calculated in accordance with the determination under regulation 24(1) specified in subparagraph (b) below.

b) The fraction is one eighth.

c) A part-time member of a police force of the rank of constable or sergeant who:

i) is required to do duty on a free day, and

ii) receives not less than 15 days' notice of the requirement,

shall be granted another free day in lieu, which shall be notified to him within 4 days of notification of the requirement.

d) This sub-paragraph applies where:

i) a part-time member of a police force of the rank of constable or sergeant is required to do duty on a free day, and

ii) he receives less than 15 days' notice of the requirement, and

iii) the duty is of such a nature that it would not in the circumstances have been reasonably practicable for it to be done by any other member.

e) Where sub-paragraph (d) applies:

i) if the member was on duty for more than 8 hours on the free day and for more than 40 hours (in addition to any hours on a rostered rest day or public holiday for which an allowance fell to be granted under this determination) during the week in which the free day occurred, he is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed period of 15 minutes of duty done on the free day, and ii) in any other case, he is entitled to time off equal to the total length of those periods.

f) Where:

i) a member is required to do duty on a free day, and

ii) he receives less than 15 days' notice of the requirement,

but sub-paragraph(d)(iii) does not apply, he is entitled to an allowance at the appropriate restday rate.

g) In the case of a part-time member of a police force of the rank of constable or sergeant working in accordance with variable shift arrangements, the number of hours on duty shall for the purposes of sub-paragraph (e)(i) be determined by adding together:

i) the average number of hours the member is contracted to work in the week in which the free day occurred;

ii) the number of hours, if any, the member worked on any rest day in that week; and

iii) the number of hours (if any) the member worked on any public holiday within that period.

h) A member who is required to do duty on a free day may within 28 days of that day elect to receive:

i) in lieu of an allowance under sub-paragraph (e)(i), time off equal to one and one third times, and

ii) in lieu of an allowance under sub-paragraph (f), time off equal to one and a half times, the period of completed quarters of an hour of duty done on the free day.

i) Any entitlement of a member to an allowance for rest day, public holiday or free day working in respect of any day is in addition to any payments due to that member for that day in accordance with regulation 24 (pay) and the determination thereunder.

j) For the purposes of regulation 24(1)(pay) and the determination thereunder:

i) a day's leave allowed under paragraph (4)(a)(i) of the determination under regulation 22 and a day off granted under paragraph (1)(d) above or under paragraph (3)(j) below in respect of a public holiday each count as a period of duty of 8 hours multiplied by the appropriate factor, and

ii) so much of any time off granted under sub-paragraph (h) or paragraph (1)(f) above as exceeds the time spent on duty on the public holiday, rest day or free day counts as time spent on duty.

3) FOR THE PURPOSES OF THIS DETERMINATION:

a) a member of a police force who is paid a dog handler's allowance shall not be treated as required to do duty by reason only of his being required to care for the dog;

b) "a day's pay" means a week's pay at the rate at which the member was paid on the day in question divided by five;

- c) “the appropriate rate” for a full-time constable or sergeant means a sixteenth of a day’s pay for each completed 15 minutes of duty done on a public holiday;
- d) “the appropriate rate” for a part-time constable or sergeant is, for each completed 15 minutes of duty done on a public holiday, one half of the member’s hourly rate of pay calculated in accordance with regulation 24 and the determination thereunder;
- e) In this paragraph, “day” in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix and the chief officer may fix different times in relation to different groups of members;
- f) a reference to a day which is a public holiday is to be construed, in relation to the member concerned as a reference to a day commencing at any time on the calendar date of the public holiday in question;
- g) “week” means a period of 7 days beginning with such day as is fixed by the chief officer;
- h) where a member is required to do duty, or is recalled to duty, for a period of less than 4 hours on a public holiday or a rostered rest day or, for a part-time member, a free day, such period or each such period, shall be treated as though it were a period of 4 completed hours. The only exception to this is where a period of not more than one hour of duty on a rostered rest day or, for a part-time member, a free day immediately follows a normal daily period of duty (or, in the case of a part-time member or a member working in accordance with variable shift arrangements, a rostered shift). In this instance the period of not more than one hour of duty counts as the number of period of 15 minutes actually completed.
- i) where a member is required to do duty on a public holiday or on a rostered rest day or, for a part-time member, a free day, his period of duty shall include (except for the purposes of sub paragraph (h) above) the time occupied by him in going to and returning from his place of duty, not exceeding such reasonable limit as may be fixed by the chief officer, save that, for the purposes of this subparagraph, there shall be disregarded any period of time so occupied:
- i) which together with the member’s period of duty exceeds 6 hours, or
 - ii) which is treated as a period of duty under regulation 22 (travelling time treated as duty).
- j) where it is at his own request that a member works on a day which is a public holiday, rostered rest day or, for a part-time member, a free day, he shall not be treated for the purposes of this determination as having been required to do duty on that day but shall be granted another day off in lieu thereof, which shall be treated as a public holiday, rostered rest day or free day as the case may be.
- k) in relation to a part-time member of a police force:

i) the determined hours are the number of hours which the chief officer has determined as his normal period of duty in a relevant period (as provided for in Annex E paragraph (6)(ii) or paragraph (6)(v) as applicable),

ii) a relevant period is a period for which a duty roster relating to him has effect for the time being under paragraph 3 of Annex E, and

iii) the appropriate factor is A/B , where

A is the number of determined hours, and

B is 40 times the number of weeks in the relevant period.